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88

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,024	10/10/2001	Genichiro Sueki	2001_1332A	5146
513	7590	01/25/2005	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			BENGZON, GREG C	
		ART UNIT	PAPER NUMBER	
		2144		

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Application N .	Applicant(s)
	09/973,024	SUEKI ET AL.
	Examiner Greg Bengzon	Art Unit 2144

-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --

### Pri d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 10 October 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Pri rity under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This application has been examined. Claims 1-9 (as per amended claims submitted with application on October 10, 2001) are pending.

#### ***Priority***

This application claims benefit of priority from foreign application 2000-351144 filed in Japan on November 17, 2000.

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/973024, filed on October 10, 2001.

The effective date of the claims described in this application is November 17, 2000.

#### ***Information Disclosure Statement***

The information disclosure statements (IDS) submitted on April 4, 2002 and April 16, 2002 was filed after the mailing date of the application on October 10, 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 (as per amended claims submitted with application on October 10, 2001) are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz (US Patent 6460036) in view of Suzouka et al. (US Patent 6055535), hereinafter referred to as Suzouka.

With respect to Claim 1, Herz discloses an interested article serving system in which a client device and a server device serving an information in accordance with a request from the client device are connected through a network system (Figure 1 Column 55 Lines 40-65, Column 56 Lines 1-65), said server device comprising: a WWW server section operating in response to the requirement from the client device (Column 31 Lines 1-10, Column 29 Lines 5-10); a data base server section storing personal information and access history of a client using the client device (Column 34 Lines 45-50, Column 37 Lines 59-65); an interested article extraction server section analyzing the access history of the client stored in the data base server section and then producing a search condition equation (Column 4 Lines 60-65, Column 72 Lines 20-45, Column 58 Lines 55-65, Column 59 Lines 1-10); a means for searching article

Art Unit: 2144

data sequentially fed from an external article producing computer in accordance with the search condition equation produced in the interested article extraction server section (Column 6 Lines 40-60), wherein a plurality of different search condition equations are set, said article data is subjected to full text search and a result coincident with said search condition equations is transmitted to said client device.(Column 72 Lines 45-55, Column 11 Lines 5-10)

With respect to Claim 2, Herz discloses an interested article serving system according to claim 1, wherein said article data is received from an external article production computer other than said server device. (Column 29 Lines 5-10)

With respect to Claim 3, Herz discloses an interested article serving system according to claim 1, wherein said access history is accumulated for each of clients and when the client accesses a plurality of articles, in a plurality of times, resembling in contents as the access history, a natural language included in said plurality of articles having resembling contents is used as a search keyword of said search condition equation. (Column 58 Lines 35-65, Column 59 Lines 1-10, Column 55 Lines 4-065, Column 56 Lines 1-65)

With respect to Claim 4, Herz discloses an interested article serving system according to claim 1, wherein said access history is accumulated for each of clients and when the client accesses a plurality of articles, in a plurality of times, different in

contents as the access history, constant number of articles or number of articles which are accessed in a constant term is determined as reference number of articles, and same natural languages appearing in a plurality of articles having different contents in said reference number of articles are used as a search keyword of said search condition equation. (Figure 5, Column 55 Lines 40-65, Column 56 Lines 1-65)

With respect to Claim 5, Herz discloses an interested article serving system according to claim 4, wherein said search condition equation adopts a characteristic natural language as said search keyword which is weighed by number of appearance of the natural language in the specified article data designated by the client and a ratio of appearance of said natural language in a plurality of articles included in the access history of the client. (Figure 5, Column 55 Lines 40-65, Column 56 Lines 50-60)

With respect to Claim 6, Herz discloses an interested article serving system according to claim 1, wherein said access history is accumulated for each of clients and when the client designates a specific article data as the access history, a natural language included in said specific article data is used as a search keyword of said search condition equation. (Column 56 Lines 20-30)

With respect to Claim 7, Herz discloses an interested article serving system according to claim 1, wherein said client device is a portable terminal device. (Column 30 Lines 50-55)

With respect to Claim 8, Herz discloses an interested article serving system according to claim 7, wherein said portable terminal device is a portable telephone. (Column 65 Lines 25-35)

With respect to Claim 9, Herz discloses an interested article serving method using a serving system in which a client device and a server device serving an information in accordance with a request from the client device are connected through a network system, said serving method comprising the steps of: analyzing an access history of a client using the client device and then producing a plurality of different search condition equations searching a full text of an article data subsequently fed from an external article producing computer with said plurality of different search condition equations; and serving a result which coincident with the search condition equation to the client device. (Figure 1 Column 55 Lines 40-65, Column 56 Lines 1-65 Column 58 Lines 35-65)

However with respect to Claims 1 and 9 Herz does not disclose a superparallel computing means for searching article data, wherein a plurality of different search condition equations are set individually on a plurality of different processors of said superparallel computing means.

Suzuoka presents an apparatus for performing a full-text search on large volumes of document data using multiple retrieving apparatuses operating in parallel, wherein each apparatus searches independently of the others, using its assigned search condition. (Figure 1 Figures 4A-4C, Column 3 Lines 15-20, Column 5 Lines 10-60 , Column 6 Lines 5-15)

Herz and Suzuoka are analogous art because they present concepts and practices regarding full-text document searching using morphological analysis and keyword weighing methods for the purpose of retrieving similar documents and presenting the resulting document set to the user. It is respectfully suggested that it would have been obvious to a person of ordinary skill in the art to implement the parallel searching apparatus described by Suzuoka into the system by Herz such that a plurality of different search condition equations are set individually on a plurality of different processors and superparallel computing means for searching article data is accomplished. The suggested motivation would have been , as Herz suggests (Column 72 Lines 45-55), so that much more searching and data retrieval can be carried out. Suzuoka also suggests that by assigning different search conditions to different processors, the system avoids overlap or omission in terms of subjects of the retrieving apparatus. (See Suzuoka Abstract, Column 2 Lines 60-65)

Therefore it would have been obvious to combine the parallel search apparatus by Suzuoka into the system by Herz for the benefit of avoiding duplicate or overlapping documents in the search results and avoiding unnecessary information transfers

Art Unit: 2144

between retrieving apparatus, in order to obtain the invention as described in Claims 1-9.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571)272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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